

FILED '10 DEC 02 15:56 USDC-ORE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

JAMES ARTHUR ROSS,

Civil No. 10-1440-HO

Petitioner,

v.

JEAN HILL,

ORDER DENYING APPLICATION

Respondent.

TO PROCEED IN FORMA PAUPERIS

HOGAN, District Judge.

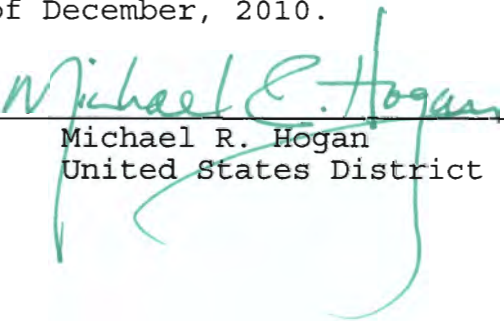
Petitioner moves to proceed *in forma pauperis* (#2). The application indicates that petitioner has \$17.81 in an inmate trust account. In addition the application shows taht plaintiff has had an average monthly balance for the past 6 months of \$90.08 with average monthly deposits of \$194.22.

Based upon this certification, the court concludes that petitioner is capable of paying the \$5.00 filing fee applicable to proceedings under 28 U.S.C. § 2254 without undue hardship.

Accordingly, petitioner's application to proceed *in forma pauperis* (#2) is DENIED. Petitioner shall submit the requisite filing fee within 30 days of the date of this order.

Petitioner is advised that failure to submit the fee shall result in the dismissal of this proceeding.

DATED this 2nd day of December, 2010.



Michael R. Hogan
United States District Judge